



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
GABRIELE HAMMERSTEIN

Plaintiff,

-against -

AMERICAN AIRLINES, INC.

Defendants  
-----X

Index #

11105017

SUMMONS with  
NOTICE

Plaintiff chooses New York  
County as the place of trial.

**SUMMONS WITH NOTICE PURSUANT TO NEW YORK CIVIL  
PRACTICE & RULES, RULE 305 (B)**

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned to appear in this action by serving a notice of appearance on Plaintiff within twenty days after the service of this summons, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York.

This action's basis for venue in the County of New York is the place of business of the Defendant who does business in New York County.

Dated: New York, New York


April 26, 2011

NEW YORK  
COUNTY CLERK'S OFFICE

APR 27 2011

NOT COMPARED  
WITH COPY FILE

Yours, etc.,

  
SOLOMON ZABROWSKY, ESQ.  
ATTORNEY FOR PLAINTIFF  
250 WEST 57TH STREET, SUITE 1401  
NEW YORK, NEW YORK 10107  
212-265-2800

Defendant's Address:

American Airlines, Inc.  
c/o CT Corporation System  
111 Eighth Avenue  
New York, New York 10011

**NOTICE**

THE NATURE OF THIS ACTION IS BASED UPON DEFENDANT'S AND OR DEFENDANT'S EMPLOYEES INTENTIONAL INFLICTION OF EMOTIONAL HARM AND/OR DISTRESS ON THE PLAINTIFF BY THEIR SLANDOROUS WORDS AND DEEDS CAUSING PLAINTIFF TO SUFFER DAMAGES IN AN AMOUNT TO BE DETERMINED BY THE COURT BUT IN NO EVENT LESS THAN \$50,000.00.

UPON YOUR FAILURE TO APPEAR, JUDGMENT WILL BE TAKEN AGAINST YOU BY DEFAULT FOR A SUM TO BE DETERMINED BY THE COURT BUT IN NO EVENT LESS THAN IN \$50,000.00, PLUS PREJUDGMENT INTEREST FROM MAY 1, 2008, PLUS THE COSTS AND DISBURSEMENT OF THIS ACTION AND PLUS LEGAL FEES IN AN AMOUNT TO BE DETERMINED BY THE COURT.

Dated: New York, New York  
April 26, 2011

Yours, etc.,



SOLOMON ZABROWSKY, ESQ.  
ATTORNEY FOR PLAINTIFF  
250 WEST 57TH STREET, SUITE 1401  
NEW YORK, NEW YORK 10107  
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YOURS, etc.,



\_\_\_\_\_  
Solomon Zabrowsky, Esq.  
Attorney for the Plaintiff  
250 West 57th Street, Suite 1401  
New York, New York 10107  
(212)-265-2800



GABRIELE HAMMERSTEIN

JACKSON HEIGHTS, NEW YORK 11372

Tel: 718-457-2036

Fax: 718-639-7721

May 5, 2008

American Airlines  
Customer Relations  
PO Box 619612 MD2400  
DFW Airport, Texas 75261-9612

Re: Gabriele Hammerstein - AAdvantage #1392LH4

Gentlemen,

Please be advised that on April 28, 2008, I flew on your airline - AA 131 - from London back to JFK, New York. I was booked into a bulkhead seat on the aisle due to a leg problem that made it difficult for me to get up. Another lady, with a similar problem who needed to use a cane to walk, occupied the window seat next to mine. A few minutes after her arrival in her seat, she needed to go to the ladies room, and walked away. Not longer had she disappeared, however, a very tall man suddenly appeared from a center row seat in which he had been seated, and without any explanation planted himself into the window seat next to mine, during the course of which he fell on top of me, without any apology. He lost no time in spreading his weight, left arm and both legs in such a fashion that I was being crushed and unable to move.

I was so amazed at this man's sudden appearance, that it took me a minute to speak to him - telling him he couldn't sit next to me because that seat was occupied. His response was that it was an empty seat, and he had moved into it. I assured him that not only was the seat already taken, but I asked him to leave because he was crushing not only my shoulder and neck, but my legs as well. "That's too bad for you," was his reply, "this is an empty seat. There is no one assigned to it. If you don't like me next to you, you can move." I was shocked. "The window seat is taken, and not I but you will have to move." I assured him that the seat was, indeed, occupied by a lady, to which he responded "what lady? There's no lady." And continued with a barrage of curse words and the statement that all I wanted was to have two seats for myself, and that I was only entitled to one seat, not two

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The man's verbal insults and behavior was beyond belief, so I got up and sought a stewardess to assist me, and eventually found one in business class. She came over to speak with the man and me – and began by assuring me that this man had a right to the seat, even though I told her that the lady assigned to the seat the man was now occupying, had only gone to the bathroom. The stewardess didn't want to hear this or believe me, and also stated that I could not occupy two seats, and this man had a right to the window seat, no matter what. She was not even concerned with the onslaught of slanderous remarks the man – a real low class bum to judge by his language and use thereof, which he continued to heap on me in her presence. By now two more stewardesses had appeared, and they were backing the first one I had asked for help. All agreed that if I didn't like my seat, there was nothing they could do, because the plane was totally loaded, and no other seats were available. They even agreed with the man that I should leave the plane, at which juncture a purser also showed up, and another woman, in a light blue dress, who appeared to be in charge. Everyone stated that I was not entitled to two seats, and that the window seat - now occupied by this slovenly creature – had not been assigned and was empty. In desperation, I stated I would happily pay the difference to be seated in business class, which offer was rejected out of hand – even though there were dozens of empty business class seats available. I guess American Airlines only likes selling Economy class tickets!!!!

The altercation had by then taken on a very unpleasant tone, and the purser's voice had even risen to operatic heights. – the entire present staff consisting of some three American stewardesses and a purser, clearly were attacking my contention relative to the occupancy of the window seat, and suggesting I wanted two seats instead of one just for myself. It was awful, and unbelievable.

At the point where the purser was ready to remove me from the plane (he and his stewardesses repeatedly demanded I should get off the plane as it seemed that I didn't like my seat) – at just that point, the missing passenger with her cane had appeared from behind the staff, and wondered what was going on, and why was someone in her window seat???? The silence that followed her sudden appearance (she'd been gone at least 15-20 minutes in the bathroom) – shocked everyone but me, and in less time than it takes to write this, the American Airlines stewardesses and purser had disappeared from view, without so much as an apology to me, or the passenger, whose window seat was suddenly being vacated by the man even more rapidly than he had planted himself into it. In the course of leaving the seat, he kicked my legs repeatedly, causing me a great deal of pain, and almost fell all over my body as well, at which point I was not in my seat, but still standing up in the bulkhead area in front of it, as I had been during the entire altercation with the

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purser and at least 3 stewardesses, not to mention a lady dressed in a light blue outfit who had appeared from the first class area of the plane, and behaved almost more aggressively than the stewardesses themselves. I attempted later, during the flight, to obtain information as to her position on the plane, but no stewardesses I spoke to seemed to know – or wanted to know – exactly who she was, because she allegedly wasn't dressed in the same dark blue uniform as they.

I am naturally not only outraged at the behavior of the American Airlines staff, and their protection of a nasty, self-centered man, who asserted he could sit anywhere he wanted, and repeatedly punched me in my shoulder and kicked my legs, causing me pain and suffering – much less attempt to assist me – but instead supported the slander and other remarks that emanated from his filthy mouth

I am bringing this matter to your attention with the request and expectation of a review of the cited incident. Failing to obtain a proper response from you, may result in an action against American Airlines for the manner in which I – a total innocent 84 ½ year old passenger – had been mistreated, while allegedly under your protection. I am additionally filing a report of this incident, with an option to take any further legal steps open to me. Because at no time did the stewardesses or the purser attempt to assist me, – much less even make an effort, – and take time – to check the listing of passengers – in order to ascertain and confirm the status of the assigned seats, which would have proven my assertions to have been valid and true, – i.e. – that the window seat next to mine was indeed, all along, occupied by a lady with a cane (who had just walked away to go to a bathroom)

Thank you for your prompt attention to this matter.

Very truly yours,

  
Gabriele Hammerstein